

REMARKS

Preliminary Matters

Applicants note that the Examiner has indicated consideration of the reference submitted with the Information Disclosure Statement of July 27, 2006.

Claims

Claims 1-4 and 6 are all the claims originally pending in the application. Applicants add new claims 7-9.

Prior Art Rejections

Claims 1-4 and 6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nomura et al. (U.S. 7054253), hereinafter “Nomura”.

Independent Claim 1

Applicants submit that claim 1 is not anticipated by Nomura.

For example, claim 1 recites, *inter alia*, said plurality of light modulation elements are configured to perform light modulation in accordance with two-dimensional data corresponding to a recording data signal. Nomura does not teach or suggest at least this feature of claim 1.

Nomura merely discloses an apparatus having a phase correcting element which performs modulation of phase (or changes the wave front (see, col. 2, lines 43-44)) of the light beam in accordance with the aberration detection signal of the photo-detector 9 for correcting aberration. Nomura further discloses that the phase correcting element is controlled by a phase correcting element control circuit that outputs a voltage in response to an amount of the tilt of the optical disc 8 or an amount of the shift in the objective lens 6. See col. 4, lines 57-60. Therefore, Nomura does not teach or even suggest that the plurality of light modulation elements perform

light modulation in accordance with two-dimensional data corresponding to a recording data signal.

The Examiner also does not state how he reads Nomura to disclose said plurality of light modulation elements are arranged such that there are at least two-Fourier frequency components corresponding to distances of the light modulation elements in an arbitrary direction in said one plane.

For at least the reasons discussed above, claim 1 is not anticipated by Nomura. The Examiner is respectfully requested to withdraw the rejection of claim 1.

Applicants submit that independent claims 2 and 4 are not anticipated by Nomura at least for reasons discussed above with respect to claim 1.

The remaining dependent claims 3, 6-9 are patentable at least by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114 (c)
U.S. Application No.: 10/521,312

Attorney Docket No.: Q85242

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'John F. Rabena', is written over a horizontal line.

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